

REMARKS

The above amendments are made in response to the Final Office action of December 10, 2007. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks. No new matter has been added, amendments have been made for purposes of clarifying the claimed invention.

Claims 5 and 6 have been amended. Support for the amendments to claims 5 and 6 may be found throughout the specification and figures as originally filed, specifically in pages 9 and 10 of the specification. Claims 36-40 have been added. Support for the new claims can be found throughout the specification and figures as originally filed, especially in the originally filed claim set and pages 9, 10 and 12 of the specification. Claims 2-4 and 33-35 have been cancelled. Claims 5, 6 and 36-40 are pending in the present application upon entry of the present amendments.

Claim Rejections Under 35 U.S.C. § 103

Claims 2-6 and 33-35 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Nishiyama et al. (U.S. Patent Application No. 2002/0140888, hereinafter "Nishiyama") in view of Jones et al. (U.S. Patent No. 6,124,907, hereinafter "Jones") and further in view of Gunning, III et al. (U.S. Patent No. 5,638,197, hereinafter "Gunning") for the reasons stated on pages 3-6 of the present Final Office action. Claims 2-4 and 33-35 have been cancelled rendering any rejections thereto moot. Applicants respectfully traverse the rejections of independent claims 5 and 6 for at least the reasons stated below.

Although the Examiner alleges that the combination of Nishiyama, Jones and Gunning, III, read as broadly as permissible, reads on claims 5 and 6, it is respectfully submitted that amended independent claims 5 and 6 clearly define structure which is not taught or suggested in any of the references of record, either alone or in combination.

The Examiner states that Nishiyama does not teach or suggest a retardation layer having a function of a biaxial film interposed between the first and second transparent

substrates and compensating phase difference of light that passes through the liquid crystal layer wherein the retardation layer is disposed directly on the color filter layer. Further, the Examiner states that Nishiyama does not teach or suggest a retardation layer having a function of a biaxial film interposed between the first and second transparent substrates and compensating phase difference of light that passes through the liquid crystal layer and wherein the retardation layer is disposed directly on the protection layer.

The Examiner alleges on pages 3 and 5 of the present Final Office action that Jones discloses in column 9, lines 62-65 and column 12, lines 36-52 and FIGS. 1 and 9 a liquid crystal display apparatus comprising a retardation layer (element 17) having a function of a biaxial film interposed between the first and second transparent substrate.

As discussed in response to a previous Office action, it is respectfully noted that Jones discloses a polarizer (17) intermediate an alignment layer (13) and a pixel electrode (15), while Gunning, III et al. disclose an O-plate intermediate a polarizer layer (300) and an analyzer layer (305) in claim 7 and FIG. 3. In particular, FIG. 3 of Gunning, III et al. disclose a compensator layer intermediate the polarizer (300) and glass plate (340) and intermediate the analyzer (305) and another glass plate (345).

Nishiyama, Jones and Gunning, either alone or in combination, fail to teach, suggest or disclose: **a retardation layer having a cholesteric liquid crystal material disposed on the color filter layer, the retardation layer being configured to be coated on the color filter layer and fixed by an ultraviolet light; a transparent electrode formed on the retardation layer as claimed in independent claim 5 or a retardation layer disposed on the color filter layer, the retardation layer being configured to be coated on the color filter layer via micro gravure coating** as claimed in independent claim 6.

Thus, it is respectfully submitted that independent claims 5 and 6, including claims depending therefrom, i.e., claims 36-38 and 39-40, respectively, are patentable over Nishiyama in view of Jones and in further view of Gunning, III.

Accordingly, it is respectfully requested that the rejection to claims 5 and 6 under § 103(a) be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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